

LUKAS, NACE, GUTIERREZ & SACHS

CHARTERED
1111 NINETEENTH STREET, N.W.
SUITE 1200
WASHINGTON, D.C. 20036
(202) 857-3500

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ
ELIZABETH R. SACHS
GEORGE L. LYON, JR.
JOEL R. KASWELL
PAMELA L. GIST
DAVID A. LAFURIA
MARILYN SUCHECKI MENSE
B. LYNN F. RATNAVALE
TODD SLAMOWITZ
DAVID M. BRIGLIA
STEVEN M. CHERNOFF

* NOT ADMITTED IN D.C.

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEROY A. ADAM
LEILA REZANAVAZ
—
OF COUNSEL
JOHN J. McAVOY
J.K. HAGE III+
LEONARD S. KOLSKY+
HON. GERALD S. McGOWAN

TELECOPIER
(202) 857-5747

<http://www.fcclaw.com>

WRITER'S DIRECT DIAL

(202) 828-9473
pgist@fcclaw.com

August 1, 2003

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: **CC Docket 94-102**
Enhanced 911 Tier III Interim Report
Midwest Wireless Holdings L.L.C. and Affiliates

Dear Ms. Dortch:

On behalf of Midwest Wireless Holdings L.L.C. and its subsidiaries¹ (collectively, "Midwest Wireless") there is transmitted herewith a narrative statement regarding the company's E-911 deployment and implementation status. Midwest Wireless is a Tier III carrier submitting its Interim Report in accordance with the provisions of the Commission's Order in *Revision of Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket 94-102, Order To Stay (rel. July 26, 2002) and the subsequent FCC Public Notice released June 30, 2003, DA 03-2113.

If questions arise with regard to this filing, please contact the undersigned.

Very truly yours,



Pamela L. Gist

^{1/} This report pertains to the following companies which are controlled by Midwest Wireless Holdings L.L.C. and are authorized by the FCC to provide broadband Commercial Mobile Radio Service: Midwest Wireless Wisconsin L.L.C., Midwest Wireless Iowa L.L.C. and Midwest Wireless Communications L.L.C.

ENHANCED 911 TIER III INTERIM REPORT MIDWEST WIRELESS HOLDINGS L.L.C.

Midwest Wireless Holdings L.L.C., through its three operating entities, Midwest Wireless Wisconsin L.L.C., Midwest Wireless Iowa L.L.C. and Midwest Wireless Communications L.L.C. (collectively referred to as "Midwest Wireless"), is a CMRS carrier that operates primarily rural markets in Minnesota, Iowa and Wisconsin. The Markets include the B Block cellular licenses for the Rochester Minnesota MSA, and Minnesota RSAs 7, 8, 9, 10, 11; Iowa RSAs 6, 13, 14, 15, 16; and Wisconsin RSA 5. E911 progress is different in each of these three states.

Item I: Number of Phase I and Phase II Requests from PSAPs

Minnesota

The 911 Program Manager, who represents the State Department of Public Safety, is responsible for coordination of most E911 activities between carriers and PSAPs. The Program Manager's responsibilities include issuing service requests, contract negotiations for reimbursement to carriers, approval of E911 cost reimbursements, specifying the location and quantity of circuits, and then the ordering of those facilities from carriers both wired and wireless.

The Program Manager and an industry association representing several wireless carriers, negotiated a Wireless Phase I model contract for wireless cost reimbursement prior to issuing any service requests.

Up until early 2001, most of the 911 calls received by Midwest Wireless were routed directly to regional Minnesota State Patrol Locations and then forwarded to a city or county operated PSAP if appropriate.

In February, 2001, the State of Minnesota issued to Midwest and most CMRS carriers in the state, a blanket Phase I and Phase II request on behalf of all PSAPs. Technically, the validity of the requests could have been challenged because of the questionable state of PSAP readiness at the time. However, the company chose not to make that challenge. Instead, it proceeded in cooperation with the state, to reroute Phase 0 E911 calls directly to individual PSAPs one at a time when requested by the state, and as those PSAPs became capable of receiving the calls. These were later converted to Phase I, and the company now provides Phase I service to approximately 95% of the PSAPs within its Minnesota CGSA and is working with the state to complete the rest. The company is in contract negotiations with INTRADO for Phase II PDE services. INTRADO is also the

third party data base provider that is under contract with the company to provide Phase I services.

On March 3, 2003, pursuant to FCC rule Section 20.18(j)(3), Midwest Wireless sent a letter to the state E911 coordinator requesting documentation of individual PSAP readiness for Phase II E911 service. A reply dated May 22, 2003 provided some information in response to the request. Pursuant to Section 22.18(j)(3) of FCC Rules, Midwest Wireless' six-month implementation period was tolled for a period 62 days, extending the due date from September 1, 2003 to November 2, 2003.

The primary difficulties encountered to date have included the coordination required to get the PSAPs, trunking facility providers, third party database providers, and company personnel in place and working in synchronization for testing and turn-up of the individual PSAPs.

Iowa

The State of Iowa Department of Public Defense, Emergency Management Division, which has represented all PSAPs in the state, has taken a very active role in the provisioning of wireless E911 service. Prior to issuing Phase I requests, it held several coordination meetings for wireless carriers, contracted with a third party to provide a statewide network for wireless E911, and contracted with carriers for use of that network and cost reimbursements for Phase I service.

The Iowa Department of Public Defense, Emergency Management Division issued a blanket E911 Phase I request for all PSAPs in the company's Iowa CGSA on April 21, 2001. Midwest Wireless is currently providing the service in all of its Iowa markets.

Midwest Wireless has received no requests for E911 Phase II service in Iowa.

Wisconsin

The company has received no E911 Phase I or II requests for its Wisconsin market. Wireless E911 legislation has been passed by the state Assembly and Senate, and is before the governor for approval. Passage of the legislation would set an E911 fee for wireless users and the fees collected would be allocated to both PSAPs and wireless carriers.

Item II: Carrier's Specific Technology Choice

In its technology statement dated November 9, 2000, Midwest Wireless declared to the FCC that it was proceeding on a path for a network based solution. On November 20, 2002, the company filed with the FCC an amended and restated Phase II Implementation Plan to change its declaration to a handset based solution.

III: Status of Ordering and/or Installation of Necessary Network Equipment

Midwest Wireless utilizes a Nortel DMS MTX provisioned with software load MTX 10 which is E911 Phase I & II compliant. The company provides analog and TDMA services, and is in the final stages of completing a CDMA overlay in all of its markets with an anticipated 4th quarter 2003 completion date.

Item IV: Automatic Location Identity (“ALI”)-Capable Handset Availability

Midwest Wireless began selling ALI capable handsets in all of its markets on June 3, 2003.

The company has had some difficulty obtaining certain model ALI capable handsets due to exclusivity arrangements between manufacturers and large carriers, and also due to the requirements for large quantity orders from certain manufacturers.

Item V: Estimated Date on Which Phase II Service Will First Be Available

Midwest Wireless anticipates beginning its Phase II service in Minnesota prior to September 1, 2003, and it will certainly begin by November 2, 2003. Phase II service in Iowa and Wisconsin will proceed according to the timelines of future PSAP service requests when they are received by Midwest Wireless.

VI. Information on whether the carrier is on schedule to meet the ultimate implementation date of December 31, 2005

It appears unlikely that Midwest Wireless will be able to achieve the threshold of 95% penetration of location-capable handsets among the company’s subscribers by December 31, 2005, or by any date certain. Midwest Wireless anticipates difficulties in persuading customers with older handset units to trade them in for new ones. As long as analog services are available on Midwest Wireless’ system, there will be users who prefer the range and power of their analog phones. Many customers are reluctant to sacrifice the advantages of their 3 watt phones. Many other customers who are willing to upgrade are demanding particular models of handsets that are not yet available to Midwest Wireless. These customers are waiting to upgrade to handsets with desired features such as cameras, and they are willing to continue to use analog or TDMA phones until state of the art handsets are available. Smaller carriers such as Midwest Wireless are not able to acquire the very newest units because of manufacturers’ exclusivity arrangements with other carriers and their preferential dealings with high volume purchasers.


A F F I D A V I T

State of Minnesota)
County of Blue Earth) ss:

I, Brian Fingerson, having been first duly sworn, depose and state as follows:

1. I am the Vice President – Engineering & Technology for Midwest Wireless Holdings L.L.C.
2. I am familiar with the facts contained in the foregoing Interim Report of the status of Enhanced 911 Phase II compliance, and I verify that those facts are true and correct to the best of my knowledge and belief, except that I do not and need not attest to those facts which are subject to official notice by the Commission.

I declare under penalty of perjury that the foregoing is true and correct.


Brian Fingerson
Vice President – Engineering & Technology
Midwest Wireless Holdings L.L.C.

Subscribed to and sworn to before me
this 24th day of July, 2003.

Lee Vanderhook
Notary Public

My commission expires:



CERTIFICATE OF SERVICE

I, Daniel Ladmirault, an employee in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 1st day of August, 2003, sent by hand-delivery, a copy of the foregoing Enhanced 911 Tier III Interim Report of Midwest Wireless Holdings L.L.C. to the following:

John Muleta, Chief*
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C252
Washington, D.C. 20554

David Solomon, Chief*
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Room 7-C723
Washington, D.C. 20554

Blaise Scinto, Acting Chief*
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C133
Washington, D.C. 20554

Jennifer Tomchin, Legal Advisor*
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-C400
Washington, D.C. 20554

Patrick Forster*
Policy Division
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-A104
Washington, D.C. 20554

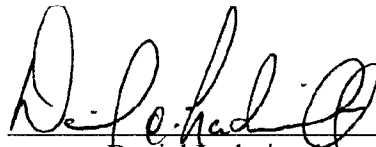
Robert M. Gurss
Shook Hardy & Bacon, L.L.P.
600 14th Street N.W., Suite 800
Washington, D.C. 20005
Counsel for APCO

James R. Hobson
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Ave. N.W., Suite 1000
Washington, D.C. 20036
Counsel for NENA and NASNA

John Ramsey, Executive Director
APCO International, Inc.
World Headquarters
351 N. Williamson Blvd.
Daytona Beach, FL 32114-1112

Jim Goerke, Interim Executive Director
NENA
422 Beecher Rd.
Columbus, OH 43230

Evelyn Bailey, Executive Director, NASNA
Vermont Enhanced 9-1-1 Board
94 State Street
Drawer 20
Montpelier, VT 05620-6501


Daniel Ladmirault

*via hand-delivery